

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-43 (AMENDED)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING REVIEW OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 5, "PLANNED AREA DEVELOPMENT (PAD)," FOR THE PROPOSED PROJECT REFERRED TO AS "GABLES STATION" ON THE PROPERTY LEGALLY DESCRIBED AS TRACTS A AND B, BLOCK 5, AND TRACT 1, MACFARLANE HOMESTEAD AND ST. ALBANS PARK (215 AND 251 SOUTH DIXIE HIGHWAY), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development," for the construction of a mixed-use project referred to as "Gables Station" on the property generally bounded by US1 to the south, the Metrorail right-of-way to the north, Ponce de Leon Boulevard to the east, and Grand Avenue to the west, generally known as 215 and 251 South Dixie Highway, Coral Gables, Florida, as legally described on Exhibit "A;" (the "Subject Property") and

WHEREAS, a project referred to as "Gables Station," consisting of a mix of uses including hotel, residential, retail, commercial, and restaurant, and an innovative site plan, including three buildings forming an interior courtyard that is open to the sky, a plaza, and multiple arcades and other public realm improvements, is proposed to be constructed on the subject property, and the project qualifies for consideration as a Planned Area Development; and

WHEREAS, companion applications for Gables Station were filed seeking a Comprehensive Plan Map amendment from "Industrial" Land Use to "Mixed Use" Land Use and removal of the "Mixed Use Overlay District" Land Use, Zoning Map amendment from "Industrial" District to "Commercial" District and removal of the "South Industrial Mixed Use District," a text amendment to the City of Coral Gables Official Zoning Code by Amending Appendix A, "Site Specific Zoning Regulations," Section A-66, "MacFarlane Homestead," and a Mixed-Use Conditional Use site plan; and

WHEREAS, Staff finds that the procedures for reviewing and recommending on proposed Planned Area Development are provided in Zoning Code Article 3, Division 5, "Planned Area Development", and that the proposed Planned Area Development Site Plan has met those criteria and standards; and

WHEREAS, in advance of public hearing consideration, the City's staff analysis and recommendation were expressly incorporated into the record of this proceeding and are available for inspection at City of Coral Gables Planning Department and City Clerk's office and

available on the City's Web page at www.coralgables.com for easy retrieval; and

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within South Industrial Mixed-Use District and within one-thousand (1,500) feet of the South Industrial Mixed-Use District, the application was presented to the Planning and Zoning Board of the City of Coral Gables on May 17, 2016; and

WHEREAS, at the Planning and Zoning Board's May 17, 2016 meeting, a public hearing was held and at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's May 17, 2016 meeting, the Board provided no recommendation for the proposed Planned Area Development application (a vote to approve with conditions failed to pass 3 – 1; four affirmative votes are required for a recommendation); and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on June 14, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the Planned Area Development, and after due consideration and discussion, approved the Planned Area Development on First Reading (vote: 4-1).

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on July 26, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the City Commission was presented with a Planned Area Development, and after due consideration and discussion, passed and adopted the Planned Area Development on Second Reading (vote: 3-2); and

WHEREAS, in accordance with Section 3-502(B)(2), the Commission finds based upon the written evidence and testimony received into the record – including the design modifications during the Commission's consideration of this matter – that the public realm improvements on and off-site, the design and construction of the substantial public open spaces, the design, construction, and solutions for pedestrian and vehicular access, ingress, egress, shared parking and circulation, as well as the design treatment of the project's architecture, massing, setbacks, and stepbacks, although not literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent degree and in fact exceed them; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request to change the Zoning pursuant to Florida Statutes, and including careful consideration of written and oral comments by members of the public; and

WHEREAS, the City additionally and separately approved the Comprehensive Plan Map amendment, Zoning Map amendment, Zoning Code text amendment, and the Mixed-Use Conditional Use site plan applications for the “Gables Station” project more particularly described above;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the Applicant’s request for approval of the proposed Gables Station project on the Property pursuant to Zoning Code Article 3, “Development Review”, Division 5, “Planned Area Development” is approved, subject to conditions, provided in Exhibit “B”, attached, which must be satisfied by the Applicant or its successors or assigns.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 6. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JULY, A.D., 2016.

(Moved: Quesada / Seconded: Keon)

(Yeas: Quesada, Keon, Cason)

(Majority: (3-2) Vote)

(Nays: Lago, Slesnick)

(Agenda Item: E-7)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

Exhibit "A"

LEGAL DESCRIPTION:

TRACTS A AND B OF THE REPLAT OF BLOCK 5 OF THE COMBINED AND SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT AND ST. ALBAN'S PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 44, PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THAT PORTION DEDICATED FOR STATE ROAD NO. 5 (U.S. NO. 1).

AND

BEGINNING AT A MONUMENT AT THE MOST WESTERLY CORNER OF TRACT 1, AS SHOWN ON REVISED PLAT OF PORTIONS OF COMBINED & SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT & ST. ALBAN'S PARK (P.B. 5-81) AND AMENDED PLAT OF COCONUT GROVE WAREHOUSE CENTER (P.B. 25-66), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 42, PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A DISTANCE OF 158.95 FEET TO A PIPE; THENCE DEFLECTING TO THE RIGHT 87° 20' 30" AND IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 200.12 FEET TO A PIPE IN THE NORTHWESTERLY LINE OF SOUTH DIXIE HIGHWAY; THENCE DEFLECTING TO THE RIGHT 92° 39' 15" AND IN A SOUTHWESTERLY DIRECTION ALONG THE NORTHWESTERLY LINE OF THE AFORESAID SOUTH DIXIE HIGHWAY, A DISTANCE OF 168.28 FEET TO A PIPE AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SOUTH DIXIE HIGHWAY AND THE NORTHEASTERLY LINE OF HARDING CROSSING; THENCE DEFLECTING TO THE RIGHT 90° 1' 9" AND IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY LINE OF HARDING CROSSING, A DISTANCE OF 199.92 FEET TO POINT OF BEGINNING; LESS AND EXCEPTING THEREFROM THE SOUTHEASTERLY 26 FEET THEREOF, ACQUIRED FOR WIDENING OF STATE ROAD NO. 5, ACCORDING TO RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 57, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THAT CERTAIN STREET DESIGNATED AS "HARDING CROSSING" DESCRIBED AS THAT STREET BOUNDED ON THE NORTHWEST BY THE SOUTHEASTERLY RIGHT-OF-WAY OF THE FORMER FLORIDA EAST COAST RAILWAY, ON THE SOUTHWEST BY SAID TRACT A, AND ON THE SOUTHEAST BY THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5, AND ON THE NORTHEAST BY SAID TRACT 1.

AND

A PORTION OF TRACT 1 OF REVISED PLAT OF PORTIONS OF COMBINED & SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT & ST. ALBAN'S PARK (P.B. 5-81) AND AMENDED PLAT OF COCONUT GROVE WAREHOUSE CENTER (P.B. 25-66), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH A PORTION OF THAT STREET RIGHT-OF-WAY LYING NORTHEASTERLY OF AND ADJACENT TO SAID TRACT 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY LINE OF SAID TRACT 1 EXTENDED FOR A DISTANCE OF 21.81 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED, SAID POINT BEING SITUATED ON THE ARC OF CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND HAVING FOR ITS ELEMENTS A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 20° 16' 01"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 123.80 FEET TO A POINT OF TANGENCY ON THE NORTHEASTERLY LINE OF SAID TRACT 1; SAID POINT BEING 65.04 FEET NORTHWEST OF (AS MEASURED ALONG THE NORTHEASTERLY LINE OF SAID TRACT 1) THE MOST EASTERLY CORNER OF SAID TRACT 1; THENCE RUN SOUTH 50° 47' 44" EAST ALONG THE NORTHEASTERLY LINE OF SAID TRACT 1 FOR A DISTANCE OF 22.71 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE WEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 95° 03' 47"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 41.48 FEET TO A POINT OF COMPOUND CURVATURE WITH ANOTHER CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 1867.58 FEET AND A CENTRAL ANGLE OF 1° 31' 41"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 49.81 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 45° 47' 44" WEST FOR A DISTANCE OF 100.60 FEET TO A POINT; THENCE RUN NORTH 46° 50' 28" WEST FOR A DISTANCE OF 174.18 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT 1; THENCE RUN NORTH 45° 47' 44" EAST ALONG THE NORTHWESTERLY LINE OF SAID TRACT 1 FOR A DISTANCE OF 187.58 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT THE PROPERTY CONVEYED TO FDOT FOR RIGHT TURN LANE IN DEED RECORDED IN OFFICIAL RECORDS BOOK 28719, PAGE 4921, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(Exhibit "A" of Commitment for Title Insurance prepared by First American Title Insurance Company, Order No. NCS-734437-CAST, with an effective date of June 22, 2015 at 8:00 A.M.).

Containing 191,249 Square Feet or 4.39 Acres (Net Area) and 328,559 Square Feet or 7.54 Acres (Gross Area), more or less, by calculations.

Exhibit "B"

Gables Station Site Plan Conditions of Approval: July 21, 2016

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. Applicant's submittal package dated July 14, 2016, prepared by Gensler as supplemented and updated by the Addendum dated July 20, 2016.
 - b. Traffic Impact Study, dated April 2016 and updated on June 15, 2016, and July 15, 2016, prepared by David Plummer & Associates.
 - c. All representations proffered by the Applicant's representatives as a part of the review of the Application at public hearings.

2. **Restrictive covenant.** Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

3. **Easements.** Ordinance 2274 shall be maintained for the reservation and maintenance of an unobstructed utility and sanitary sewer easement and an ingress and egress easement for city maintenance vehicles maintaining the sewer lines unless alternative easements are provided to and accepted by the City and applicable utilities.

4. **Prior to issuance of the first Building Permit, Applicant shall:**
 - a. **Mobility Contribution.** The Applicant shall provide a one-time lump sum contribution, in an amount to be determined by the Parking Director, to cover the capital costs necessary to purchase one standard Coral Gables Trolley, and two years of operation and maintenance expenses of an extension (or enhancement) of the trolley system. If the Applicant elects to contribute towards the extension of the University of Miami shuttle service to the project site and Douglas Road Metrorail Station, in lieu of the Coral Gables Trolley, any contribution to the Coral Gables Trolley service which has already been paid shall be refunded to the Applicant by the City. The route, headways, hours of operation, start date, and transit stop locations of the enhanced trolley or shuttle service shall be determined and approved by the City's Parking Director and the Development Review Official.

 - b. **Emergency Vehicle Signal Preemption Technology Contribution.** The Applicant, property owner(s), their successors or assigns shall contribute \$64,000 to emergency vehicle technology improvements for traffic signal preemption to

improve response times within the Gables Redevelopment Infill District (GRID).

- c. Additional Reviews.
 - i. Board of Architects. Additional review of the project, including the ground level courtyard between Buildings A and B, the facades of the upper level courtyard above level 3 on Building A, the facades of the upper level courtyards above Level 7 on Buildings B and C, and all ground level pedestrian spaces, including arcades, paseos, and storefronts, shall be conducted by the Board of Architects, at which time staff comments and BOA comments on the function and aesthetics of each building shall be addressed. Final approval of the project by the Board of Architects is required prior to issuance of any building permit.
 - ii. Public Works. The Public Works Director shall review and approve all transportation design aspects of the project.
 - iii. Zoning Review. The Applicant shall provide measurable floor plans of the project to City Staff for verification of Zoning requirements such as floor area ratio, setbacks, height and parking.
- d. Peer Reviews and Inspections. The Applicant is required to employ the services of an independent Structural Peer Reviewer. As an alternative, a Private Provider for all trades may be used to expedite the permit and inspection process.
- e. Landscape Plan. Landscape plan is subject to approval by the Landscape Services Director. Integrate landscape into the site plan to reduce noise echo from US 1 and Metrorail and coordinate tree removals, relocations, and mitigation.
- f. US 1 Improvements. Subject to approval by the Florida Department of Transportation (FDOT) and Miami-Dade County, the Applicant shall explore the feasibility of providing full four-way crosswalks at US 1 intersections: Grand Avenue and Ponce de Leon Boulevard, including pedestrian and bike crossings with countdown signalization and pedestrian priority. All crosswalks shall be located away from the intersection for safety and visibility in accordance with FDOT standards. Provide a minimum of 8' of landscape buffer along planters facing US 1, to be reviewed and approved by the Landscape Services Director.
- g. Traffic Improvements. All proposed traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc. shall require written conceptual approval of Miami-Dade County and the City prior to the issuance of the first City permit for vertical construction. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.

- h. Bicycle / Pedestrian Plan. The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan.
- i. MacFarlane Linear Park. The Applicant shall provide landscape improvements for the linear parks on the south side of US 1, as per the conceptual plan provided, including the planting of shade trees and the placement of relocated specimen trees, to be reviewed and approved by the Landscape Services Director in coordination with the adjacent property owners.
- j. Gateway Landmarks. The project shall provide gateway landmarks on-site at US 1 and Grand Avenue; and at US 1 and Ponce de Leon Boulevard.
- k. Underline Improvement Plan. Prior to issuance of the first building permit, the Applicant shall complete an Underline Improvement Plan for that area of the Metrorail right-of-way between Grand Avenue to the southwest and Ponce de Leon Boulevard to the northeast. The plan shall be approved by the City Commission as an amendment to the Mixed-Use Site Plan and shall be consistent with and uphold the minimum standards set forth by The Underline Framework Plan and Demonstration Projects Masterplan by James Comer Field Operations dated December 18, 2015. The Underline Improvement Plan shall also be subject to written approval by the County and other permitting agencies, and subject to review by the Underline Design Advisory Committee, as part of The Underline implementation process.

The Underline Improvement Plan shall include the following by the Applicant:

- i. Prior to issuance of the first building permit, the Applicant shall provide to the City a surety bond, or other form of security deemed acceptable by the City, in the amount of 100% of the estimated total hard and soft cost of all Underline improvements, as provided for in the proposed budget for the approved Underline Improvement Plan, which have not already been paid for by the Applicant, as approved by the Public Works Director. The bond shall be utilized by the City to complete the proposed Underline Improvements in the event that the building permit has expired, twenty-four months have passed since expiration, and no new application for building permit has been submitted, or within five (5) years of the issuance of the first Certificate of Occupancy.
- ii. Secure a County permit for the driveways that will be located within the Metrorail right-of-way.
- iii. Coordinate design and location of the bicycle path and the pedestrian path with Miami-Dade County and the Underline Design Advisory Committee. Ensure that all locations where the Underline bicycle path and pedestrian path intersect with driveways, sidewalks, or any other potential conflict point is designed for maximum safety of users.

- iv. Reconfigure the current bicycle and pedestrian crossing at Grand Avenue and LeJeune Road to allow one crossing movement during a pedestrian/bike priority phase of the signals at this five-way intersection, subject to Miami-Dade County and FDOT approval.
- v. Underline Parking Lot. Consider developing a remote shared parking agreement in order to provide parking within the Gables Station and Gables Ponce parking garages so as to reduce the surface parking area within the Underline right-of-way. Consider landscape and material strategies that mitigate storm water runoff and negative visual impact of an uninterrupted surface lot.
- vi. Internal Driveway. Coordinate with the Underline Design Advisory Committee and Miami-Dade County to provide, if permitted, a more pedestrian-oriented design with less pavement markings / signage as well as the possibility of a one way / one lane driveway and low-speed, curbless shared street spaces. Control vehicular speed and volume through design: narrow lanes, pavers, parallel parking on both sides of the drive, 10' maximum width travel lanes, no 6" double solid yellow marking down the middle, two lanes at the Ponce de Leon Boulevard entrance instead of four (left turn only southbound / right turn only north bound), include pedestrian crosswalk leading into the courtyard and crossing Ponce de Leon Boulevard, indicate the design, lighting, and signage that will be used to mark the crosswalk across Ponce, subject to a signal warrant analysis.
- vii. Design, funding and construction of the Underline shall include safety improvements for bicycle and pedestrian crossings at the following intersections: Grand Avenue, LeJeune Road, Riviera Drive, and Granada Boulevard, subject to approval by Miami-Dade Transit, the Underline Design Advisory Committee, and other permitting agencies.
- viii. Provide a pedestrian crosswalk across Ponce de Leon Boulevard, between the Underline and the northwest side of the street, that will continue across the Underline, and across the internal drive, to connect to the courtyard. The location, design, lighting and signage for this crosswalk shall be subject to approval by the Public Works Director and the Development Review Official, as well as Miami-Dade County.
- ix. Maximize the number of parallel parking spaces on Ponce de Leon Boulevard and the internal driveway.
- l. Signage. No signs shall be placed more than 45' above the sidewalk elevation.
- m. Art in Public Places. The on-site public art shall be approved through the Art in Public Places process pursuant to Zoning Code Section 3-2103 through 2105. The

proposal shall incorporate features in the ground level of the project that recognizes the contribution of Bahamian families to the history of Miami and Coral Gables.

- n. Parking Garage Design. The parking garage shall be designed to address the following items:
 - i. The Applicant shall work with the owners and tenants of the properties legally described as Lots 61 -73, Block 17, Industrial Section, to provide off-street employee parking during business hours, under terms subject to approval by the Parking Director and the Development Review Official. A minimum of twenty spaces shall be provided from the Gables Station parking garage.
 - ii. Provide direct pedestrian access from the parking garage to all adjacent streets, the Underline, and the plazas and open spaces in the project.
 - iii. All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- o. Ground Floor Design. The ground floor of all buildings shall continue to be designed to optimize pedestrian activity and retail success. All Storefronts shall be transparent.
 - i. All arcades shall be flush with the sidewalk grade.
 - ii. Arcades shall not be interrupted by stairwells, elevators, or solid walls.
 - iii. Arcades shall have a 12' wide minimum clear pedestrian path along the entire length of the arcade, measured from the inside edge of the column to the interior building wall.
 - iv. Arcades shall have an 18' minimum vertical clearance, measured from the sidewalk grade to the lowest point of the beam above.
 - v. Pedestrian entrances into active spaces (lobbies, retail, etc.) shall be provided on all ground floor facades with an average spacing of 60' except in cases when a single tenant space requires fewer entrances for functional purposes such as store security, if approved by the Development Review Official.
- p. Loading and Service. Loading and Service shall be designed so as to minimize its impact on the pedestrian realm. Employ design and scheduling strategies that mitigate the visual and acoustic impact of loading docks and deliveries.

- q. Paseos. A minimum width of 25' of pedestrian area should be provided in the pass-through area on the east end of the project.
- r. Bicycle Amenities.
 - i. Bicycle Station. Per the City's Bicycle Pedestrian Master Plan, provide a bicycle station within the Underline area, to be maintained and operated by a public entity, non-profit entity, or another entity contracted by either, that offers a wide variety of services, such as secure and attended parking facilities; bicycle rentals; showers, lockers and changing facilities; repair services or facilities; and cafe/social space.
 - ii. Bicycle Parking. Provide one (1) bicycle parking space for every seven (7) vehicular parking spaces on site.
 - iii. Bike Sharing Facilities. The Applicant shall reserve space within the project for future bike sharing facilities. Final design shall require written conceptual approval of the Parking Director and Public Works Director prior to issuance of the first City permit.
- s. Car Sharing Facilities. To the same extent of other projects of similar size within the City, the Applicant shall reserve space within the project for future car sharing facilities in coordination with the City's Parking Director. Final design shall require written conceptual approval of the Parking Director prior to issuance of the first City permit. Required parking spaces may be utilized for car sharing.
- t. Electric Car-Charging Stations. The Applicant shall provide a minimum of one (1) electric car-charging station for every one hundred and fifty (150) parking spaces, with the appropriate total amount to be determined by the Public Works Director. The electric car-charging station may be counted towards the project parking requirement.
- u. Encroachment Plan. Obtain Commission approval by resolution of an Encroachment Plan addressing special treatment sidewalks, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way as shown in the site plan. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed approving the encroachments.
- v. Encroachment Agreement and Covenant. Execute and record a restrictive covenant regarding encroachments and utilities in, below and above the public rights-of-way, in a form acceptable to the Public Works Director, the Risk Management Division, and the City Attorney, which shall include the precise locations and dimensions of the proposed areas of all encroachments. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of

approval even if the restrictive covenant is later found to be void or unenforceable.

- w. Construction Staging. A construction staging plan shall be submitted to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access adjacent to all sides of the property at all times, particularly along US 1.
- x. Bond to Restore Project Property. Provide to the City a surety bond, or other form of security deemed acceptable by the City, covering the estimated maximum cost of the full restoration of the Property, including installation of sod and landscaping to City Code standards, and removal of all construction fencing, to be used in the event that the project's building permit has expired, 24 months have passed since expiration, vertical construction has not commenced, and no new application for building permit has been submitted.
- y. Bond for Offsite Improvements. Provide to the City a surety bond, or other form of security deemed acceptable by the City, in the amount of 100% of the estimated total hard and soft cost of all Offsite Improvements as determined by the Public Works Director.
- z. Construction Notices. Provide written notice to all properties within one thousand (1,000) feet of the project boundaries providing a specific liaison/contact person for the project including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc.

5. Prior to issuance of the first Temporary Certificate of Occupancy, Applicant shall:

- a. Covered Transit Stops. The Applicant shall provide for covered trolley or shuttle stops adjacent to the project to support transit ridership in the vicinity, the design of which shall be subject to Board of Architects approval.
- b. Traffic Improvements and Study. Complete all traffic improvements recommended by the Traffic Study prepared by David Plummer and Associates, and satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works Department and City's traffic consultant, subject to review and approval by the Director of Public Works.
- c. Traffic Flow Modifications. All traffic flow modifications including street design, width, sight triangles, cross walks, and diverters shall require the written approval of Miami-Dade County in addition to the City. Prior to issuance of the first Temporary Certificate of Occupancy for the project, the Applicant shall construct all of the traffic improvements outlined in the Traffic Impact Analysis.

- d. Right-of-way and Public Realm Improvements. Install all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant's approved plans, subject to review and approval by the Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. Any changes to and departures from the right-of-way and public realm improvements identified on the Applicant's approved plans and associated detail plans and specifications via the permitting process shall be subject to review and approval by Directors of Public Works, Landscape Services, Planning and Zoning, and Parking.
- e. Publicly Accessible Open Spaces Easement. Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner.
- f. LEED Certification. Prior to the issuance of the Temporary Certificate of Occupancy for any individual building, such individual building must achieve LEED Silver or equivalent certification, or if not achieved, Owner shall post such surety as required by the Zoning Code Section 5-1302.
- g. Employee Parking Plan. Submit and obtain the approval by the City Parking Director, of an employee parking management plan to limit spillover parking impacts.
- h. Valet Operations Plan. A valet operations plan shall be submitted to and approved by the Parking Director. The plan shall ensure that queuing of vehicles for valet during large events or peak traffic hours will not block the flow of traffic.
- i. Taxi and Ride-Sharing Management Plan. The applicant shall submit and obtain the approval of the Parking Director, for final plans for loading, unloading and queuing of taxis and ride-sharing vehicles for the project, including the hotel, retail, restaurant and residential uses.
- j. Undergrounding of overhead utilities. Submit all necessary plans and documents, and shall complete the undergrounding of all new utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
- k. Utility Upgrades. New sewer connection shall be required under the outside sewer connection, in accordance with City Code Section 78-106. All sanitary sewer gravity lines serving the project shall be properly upgraded to handle all peak flows downstream from the points of connection through the serving pump station.

- 6. Following issuance of the first Temporary Certificate of Occupancy, Applicant shall:**
- a. **Economic Development.** Efforts shall be made to provide job opportunities within the project for residents of adjacent neighborhoods.
 - b. **Traffic Calming.** At the Applicant's expense, the City, at the discretion of the Public Works Director, shall perform traffic calming studies one year from the issuance of the first Temporary Certificate of Occupancy at locations to be determined by the Public Works Director within the area bounded by Bird Road on the North, Ponce de Leon Boulevard on the East, Le Jeune Road on the West, and US-1 on the South. An alternative area up to 1,500 feet around all sides of the project site may be included in the traffic calming study, as determined by the Public Works Director. If the Public Works Director determines pursuant to these studies that, due to Project impacts, traffic calming is warranted on any City roadways, because of impacts directly attributable to the Project, the Applicant shall construct or pay for any physical traffic calming improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.
 - c. **Traffic Monitoring.** At the Applicant's expense, the City shall perform annual traffic monitoring for a period of five years commencing six months from the issuance of the first certificate of occupancy. The traffic monitoring shall include a study of the number of external vehicular trips generated by the project during the morning and afternoon peak periods. Should the actual number of external vehicular trips during either of these periods result in a 10% increase in the number of external vehicular trips generated by the development above that which was projected during the original traffic impact analysis, the City will conduct traffic impact studies, at the Applicant's expenses, to determine appropriate mitigation. The Applicant shall construct or pay for any improvements in the traffic impact studies within one year of completion of these studies.

August 30, 2016

VIA ELECTRONIC MAILCraig E. Leen, Esq.
City Attorney
City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, Florida 33134**Re: Gables Station / Motion to Amend Ordinances and Resolution Regarding
Land Use and Zoning Approvals**

Dear Mr. Leen:

On behalf of NP International, LLC, the developer of the Gables Station project, I have reviewed Ordinance Nos. 2016-40, 2016-41, 2016-42, 2016-43 and Resolution No. 2016-172 (all collectively, the "Approvals") against the record of the proceedings. While the Approvals attempt to memorialize the various land use and zoning approvals that were granted for Gables Station, there are certain omissions and corrections that are necessary to ensure their accuracy. Because the City of Coral Gables adopts the Florida Rules of Appellate Procedure, *see* Zoning Code § 3-607(A), I hereby make a motion, pursuant to Florida Rule of Appellate Procedure 9.020(i), to amend these Ordinances and Resolution as further detailed below so as to correct clerical errors regarding several substantive matters. In particular, the errors requiring correction are summarized below:

1. Ordinance No. 2016-42 incorrectly recorded the vote of the City Commission at the First Reading of that Ordinance. Ordinance No. 2016-42 was approved by a vote of 4-1, not 4-0, on First Reading.
2. Ordinance No. 2016-43 and Resolution No. 2016-172 incorrectly reference the final site plan submittal package which was reviewed and approved by the City Commission which included an Addendum dated July 20, 2016, which is not referenced in either document.
3. Ordinance No. 2016-43 and Resolution No. 2016-172 incorrectly reference the final traffic impact study which was reviewed and approved by the City Commission

Mr. Craig E. Leen
August 30, 2016
Page 2

which included an Addendum dated July 15, 2016, which is not referenced in either document.

4. Conditions 4(c)(i) of Ordinance No. 2016-43 and Resolution No. 2016-172 fail to mention that the additional review required of the Board of Architects encompasses the entire project.
5. Conditions 4(x) of Ordinance No. 2016-43 and Resolution No. 2016-172 fail to provide that the bond, or other surety, required to restore the project site shall be released upon commencement of vertical construction.

Enclosed as Exhibit "A" to this motion are blackline versions of the relevant Ordinances and Resolutions which indicate the revisions which we respectfully submit are appropriate to address the substantive scrivener's errors mentioned above as well as some other minor typographical errors. If you would like to discuss this motion further, please contact me at mgarcia-serra@gunster.com or 305-376-6061. Thank you for your attention to this matter.

Sincerely,



Mario J. Garcia-Serra

MGS

MIA_ACTIVE 4516544.1

Document comparison by Workshare Compare on Tuesday, August 30, 2016
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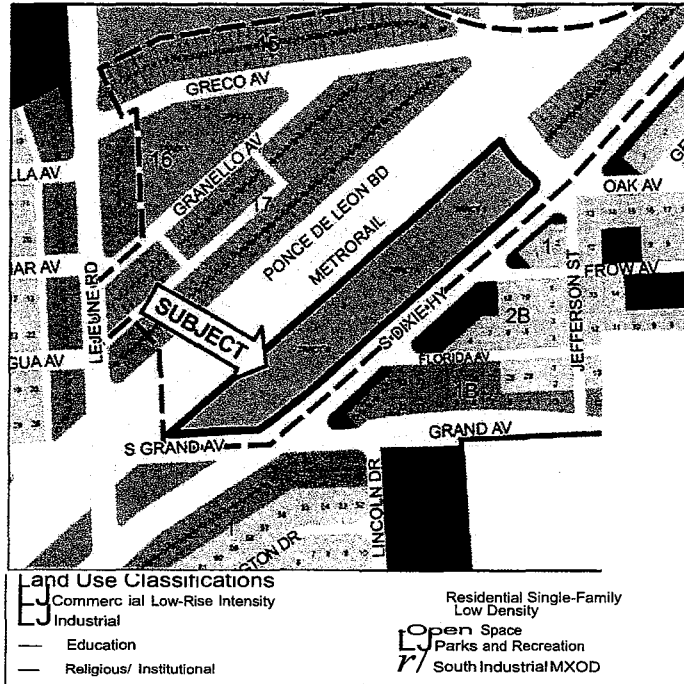
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2-3	Change	"amendment on First Reading (vote: 4 -0); and" changed to "amendment on First Reading (vote: 4 -1); and"
4	Insertion	GABLES, FLORIDA ORDINANCE...NO. 2016-43 (AS AMENDED)
5-6	Change	"July 14, 2016, prepared by Gensler." changed to "July 14, 2016, prepared...dated July 20, 2016."
7	Change	"April 2016 and updated on... by David Plummer" changed to "April 2016 and updated on... by David Plummer"
8-9	Change	"1." changed to "i."

10	Change	"Architects. Additional... ground level courtyard" changed to "Architects. Additional... ground level courtyard"
11-12	Change	"111. Zoning Review. The Applicant" changed to "iii. Zoning Review. The Applicant"
13-14	Change	"1. Prior to issuance of the first building" changed to "i. Prior to issuance of the first building"
15-16	Change	"11. Secure a County permit for the driveways" changed to "ii. Secure a County permit for the driveways"
17-18	Change	"111. Coordinate design and location of" changed to "iii. Coordinate design and location of"
19	Change	"any other potential... for maximum safety" changed to "any other potential... for maximum safety"
20-21	Change	"iv." changed to "iv."
22-23	Change	"v1. Internal Driveway. Coordinate with" changed to "vi. Internal Driveway. Coordinate with"
24-25	Change	"v11. Design, funding and construction" changed to "vii. Design, funding and construction"
26-27	Change	"ix." changed to "ix."
28	Change	"months have passed since...application for building" changed to "months have passed since...application for building"
29	Insertion	MIA_ACTIVE 4517438.1

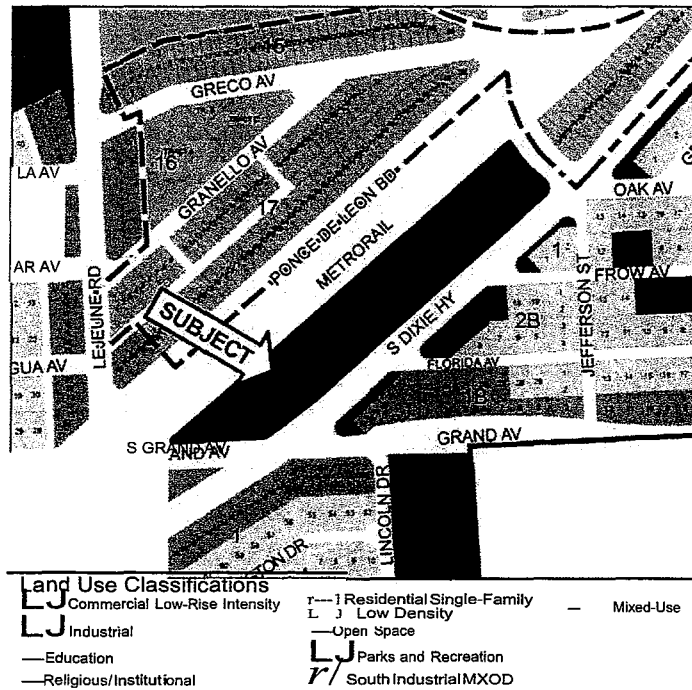
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Exhibit "B"

Future Land Use Map Prior to Commission Approval of MXD Land Use and Removal of the Mixed Use Overlay District



Approved Future Land Use Map with MXD Land Use and Removal of the Mixed Use Overlay District



Document comparison by Workshare Compare on Tuesday, August 30, 2016
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Redline Summary		
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2-3	Change	"July 14, 2016, prepared by Gensler." changed to "July 14, 2016, prepared...dated July 20, 2016."
4	Change	"April 2016 and updated on...by David Plummer" changed to "April 2016 and updated on...by David Plummer"
5	Change	"Architects. Additional...ground level courtyard" changed to "Architects. Additional...ground level courtyard"
6-7	Change	"1. Prior to issuance of the first building" changed to "i. Prior to issuance of the first building"
8-9	Change	"11. Secure a County permit for the driveways" changed to "ii. Secure a County permit for the"

		driveways"
10-11	Change	"111. Coordinate design and location of" changed to "iii. Coordinate design and location of"
12	Change	"any other potential...for maximum safety" changed to "any other potential...for maximum safety"
13-14	Change	"iv." changed to "iv."
15-16	Change	"v1. Internal Driveway. Coordinate with" changed to "vi. Internal Driveway. Coordinate with"
17-18	Change	"v11. Design, funding and construction" changed to "vii. Design, funding and construction"
19-20	Change	"v111. Provide a pedestrian crosswalk across" changed to "vii. Provide a pedestrian crosswalk across"
21-22	Change	"ix. Maximize the number of parallel" changed to "ix. Maximize the number of parallel"
23	Change	"months have passed since...application for building" changed to "months have passed since...application for building"
24	Insertion	MIA_ACTIVE 4517432.1

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